

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

CHARLES CRENSHAW,

Plaintiff,

v.

WARDEN, GRAFTON
CORRECTIONAL INSTITUTION,
ET AL.,

Defendants.

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CASE NO. 1:24-cv-00491

ORDER
[Resolving Doc. 9]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

On March 13, 2024, Plaintiff Charles Crenshaw filed this § 1983 action against the wardens of two state correctional institutions and one federal correctional institution. Plaintiff Crenshaw alleges that he was imprisoned fourteen months longer than his sentence provided.

On June 20, 2024, the Court ordered the Defendants to file an answer to their complaint, as required by its Case Management Scheduling Order.¹ Defendant Warden of FCI Petersburg Low (the federal defendant) notified the Court that Plaintiff Crenshaw has failed to perfect service of process under Federal Rule of Civil Procedure 4(i), and that the time for his answer has not yet begun to run.²

Rule 4(i)(2) provides that to serve a United States employee in their official capacity, a plaintiff must serve the United States as provided in Rule 4(i)(1), and send a copy of the summons and complaint to the federal employee.³

¹ See Docket, June 20, 2024; Doc. 6.

² Doc. 9, PageID #: 64.

³ Fed. R. Civ. P. 4(i)(2).

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Plaintiff Crenshaw has sent a copy of the summons and complaint to the federal defendant. However, there is no indication that Plaintiff Crenshaw has served the United States Attorney General or the United States Attorney for the Northern District of Ohio.

Rule 4(i)(4)(B) requires district courts to give parties reasonable time to cure failures to serve the United States.⁴

So, the Court **ORDERS** Plaintiff Crenshaw to file proof of completed service of process to the United States within **fourteen (14) days** of this order, or to show cause why such proof cannot be provided.

Further, the Court **ORDERS** Defendant Warden of FCI Petersburg Low to answer Plaintiff Crenshaw's complaint within **forty (40) days** of perfected service.⁵

IT IS SO ORDERED.

Dated: July 11, 2024

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁴ See *Raja v. Johnson*, No. 2:13-cv-11, 2014 WL 1123423, at *3 (S.D. Ohio Mar. 20, 2014) (giving plaintiff fourteen days to cure service under Rule 4(i)(4)).

⁵ *Mascaro Const. Co., L.P. v. Local Union No. 210*, No. 09-CV-0427, 2009 WL 140858, at *5 (W.D.N.Y. May 15, 2009), *aff'd*, 319 F. App'x 13 (2010) (reducing time to answer via the court's "inherent powers to control [its] calendars, and modify filing dates, provided there is no prejudice to the parties") (citing *Drinan v. Nixon*, 364 F. Supp. 853 (D. Mass. 1973)).